(69)

App F IX-4
Previous References

1953-57
(C/M)

File No 1-53-
Serial Nos 76, 77

P 28 E

Later References
P 2 7 5 G C A R -

MYSORE GOVERNMENT SECRETARIAT

Serial Nos 2

Part B for January 1954

SUBJECT

Representation of Sri H Maniyappa, Octroi Mutsaddi, for re-instatement

WD 03555—GPB—25,000—2 7 53

L 13175/ dated 9/54

To
Sri H Maniyappa,
No 62, VII Cross Road,
Subbanpet, Bangalore

Copy to the Comm" C C B

P3440/mk.1

petition dated [illegible] of April 1953 from Sri M Muniappa Ochiar Mettaddai & the Corporation against the order of his dismissal by the Commn.

LSG Requisition's orders

LSG Secretary - please put up References (3d) TC 2-2 SS3

2) There are no papers on the Subject matter of the Report and the Connected Records have to be called for from the Commissioner

3) The appellant being an ochiar Mettaddai his pay is much less than Rs 100/ An appeal against the order of dismissal of a Corporation Official lies to Govt only when his pay exceeds Rs 100/ PM (Order 98 of the Act) Hence the appeal is not entertainable

4) In the circumstances it is for Consideration whether it is necessary to call for a Report and Connected Records

5) Submitted for orders Reg 1/6/53 SRA 1/6

6) Any how, call for records as per orders of the Minister 3/6

13A&PL

Appeal petition of Sri. A. Ramappa, Retd Addl Collector under order / 7b discussed.

---

7. Office to issue Certificate, Copy & Postage for appeal.

Issue
7/6

12/6/53
Sd/-
5/6

To

The Executive, Bijapur Corpn
No. L. 3280 Dt 13.6.53
Calls for a Report.

Sec-A. 13/6

Appeal petition of Sri H Munnappa, Octroi Peon against order of dismissal

General and Revenue Secretariat

App F III—2]

File No 1340 / 3530 / 54 of 1953-54

Serial No

From

The Commissioner Bangalore Corpn

No B 12 3462/53 dated 27 8 53

Forwards his report as called for

flag 'A'

9) The report of the Commissioner is for perusal

10) This is a case in which one Sri H Muniappa, an Octroi Mutsaddi has been dismissed from service for alleged collaboration with two merchants of Doddaballapur, Sriyuths Venkataramiah and Naganna and active connivance at their smuggling of octroiable silk goods valued about Rs 7,588-5-0 into the octroi limits of the Corporation from Yeshavanthapur on 26-10-51 at about 7 P M A criminal case in this behalf had also been filed in the 2nd City Magistrate's Court, Bangalore, in No 2778/51-52 against Sriyuths Venkataramiah, Naganna Seetharam Singh and Muniappa

11) The prosecution story is that on 26-10-51, Octroi Detective Sri Sitaram Singh engaged Taxi No 6409Z and waited near Yeshavanthapur Railway Station, picking up Octroi Mutsaddi, Sri H Muniappa on the way Four merchants alighted from Hindupur Train with 3 suit cases of silk goods The two of the merchants along with the Octroi Detective Sri Sitaramsingh and Octroi Mutsaddi, Sri H Muniappa got into the taxi with the suit cases The Octroi Detective instructed the Taxi Driver to drop him and Sri Muniappa at the Mysore Bank and take the other two merchants to Chickpet This roused the suspicion of the taxi driver who on pretext of a pre-engage fare awaiting him at the City Railway Station drove the

Note —Contn Sheet

Appeal petition of Sri K Ramaiappa, Octroi Contractor under orders of dismissal

File No 4 3530 Jud of 1953-54 | General and Revenue Secretariat

Serial No

taxi there and gave this information to Police Daffedar Sri Rangachar Sri Sitaramsingh and Sri Muniappa whose nefarious attempts were thus foiled instigated Sri Guruputra and Sri Daniel, the Octroi Duty staff at the City Station, to make out a transit pass in the name of Sri Venkataramiah The recorded statements of Sri Guruputra the taxi-driver, of the Octroi Inspector and of the Octroi Superintendent and others have provided the material for the building up of the prosecution story

12) During the trial, prosecution witness Sri Guruputra turned hostile and deposed that the goods actually arrived at the City Railway Station by the Guntakal-train and not in a taxi from Yeshwanthpur The Magistrate after weighing all the evidence let in by the prosecution pronounced all the four accused not guilty and acquitted them on the following grounds -

flag 'M'

(i) that the Commissioner ordered the prosecution of only the two merchants as they did not compound the offence Yet Sri Sitharamsingh and Sri Muniappa have also been charge-sheeted by the Octroi Superintendent, Sri Kulasekhara Mudaliar

(ii) That Sri Abdul Aziz, the Octroi Inspector was censured and fined on reports of Sri Sitaramsingh and therefore there was not much love lost between them

(iii) That these merchants according to the admission in the Court by the Octroi Superintendent himself are regular in the payment of octroi

(iv) That if the merchants had been found to have smuggled the goods, it should have occurred to the Octroi Inspector who immediately appeared on the scene that the person who could be said to have abetted the offence, if at all, was Sri Guruputra who made out the transit pass and not Sri Sitaramsingh or Sri Muniappa Yet Sri Guruputra steps into the box as a prosecution witness instead of being an accused Even the octroi Superintendent is unable to satisfactorily explain why he prosecuted Sri Sitaramsingh and Sri Muniappa

WD 014 04—GPB—10 000—18 10 5

Appeal petition of Sri K Veerappa, against Retrodde ceeder orders of dismissal

Serial No

(v) That the taxi driver on his way from Yeshvantpur upto Subedarchatram Road passed through a a couple of police stations, a copule of Octroi Cookaus and several policemen Nothing was easier for him-than to have stopped the vehicle at any one of these points and reported his suspicion Instead, oddly enough, he prefers this dubious method of driving to the Station to inform Police Daffedar, Sri Rangachar

13) The Magistrate in conclusion has summoned up that there is not an iota of evidence against Sri Sitaramsingh and Sri Muniappa He has characterised the prosecution as thoughtless and vengeful Depsite its being a summons summary case needing only to record reasons briefly, he has dwelt at length on the case and has expressed in strong terms his disapproval of this prosecution He has further directed of his own volition, the forwardal to the Commissioner of a copy of the judgment for such action as he may deem necessary to take in the light of the observations made by him

14) On receipt of the judgment copy, the prosecution to veneer this failure made out in their report that the case did not succeed because of Sri Guruputra, the prosecution witness who being suborned turned hostile in the Court But it is seen from the judgment that the evidence of almost all the prosecution witnesses has been held to be incredible and highly preposterous According to the Magistrate himself, if there was any reason to suspect of connivance, it is Sri Guruputra who is culpable Therefore his turning hostile might not be material to the failure of the case as explained by prosecution Had Guruputra maintained his former st in the Court also, the Magistrate would have only h that the offence was committed by him and not othe

Note—Contn Sheet

Appeal petition of Sri. H Munappa, octroi Watchman under orders of dismissal

File No 6 3530/Mel of 1953-54 | General and Revenue Secretariat

Serial No

As he was not prosecuted, the case would have ended in acquittal, even if he had not turned hostile

15) On this report of the prosecution the office suggested taking action against the officials concerned on the findings of the Departmental enquiry held prior to the launching of the prosecution which was shattered in the Court. Dismissal of the four Octroi officials concerned, namely Sriyuths Sitharamsingh, H Muniappa Guruputra and Daniel was recommended The Commissioner thereupon ordered, the conduct of Sri Sitharamsingh and Muniappa has been utterly mean and disloyal and they are dismissed from service Sri Guruputra and Sri Daniel are suspended for 6 months from now It is against this order that Sri Muniappa has now appealed to Government He was under suspension from 1-10-51 to 29-4-52 and was dismissed from service from 29-4-52

flag 'J'

flag 'U'

16) These punishments are awarded apparently on the statements made by ~~mainly of~~ the taxi driver and Sri Guruputra Sri Guruputra is admittedly a turn-coat The taxi driver's version is held by the Magistrate to be thoroughly unbelievable It is also common knowledge that a cab-man will be more loyal to the person who pays his fare than to the Corporation It may, therefore, not be correct to punish officials so ~~highly~~ harshly relying on statements of persons whose veracity is open to question

17) In view of the facts mentioned above, this appears to be a case fit for re-instatement But under section 95 of the Corporation Act, officials on a salary of

WD 014 04—GPB—40 000—18 10 51

Appeal petition of Sri K Munappa, Octroi Mutsaddi under orders of dismissal

Serial No

of Rs 100/- per mensem and less who are guilty of any breach of any Departmental Rules or discipline or of carelessness, neglect of duty or other misconduct/may be dismissed by the Commissioner or is unfit Any order passed by the Commissioner under this section is appellable to the Standing Committee only if the pay exceeds Rs 50/- per mensem Sri Munappa's pay as Octroi Mutsaddi is Rs 47/- per mensem Hence under this provision there is no appeal in this case against the Commissioner's orders Hence it requires to be considered how far and in what manner the Government can interfere to set right any illegal act though done in the exercise of the powers conferred by the Act, Government ~~is~~ are empowered to call for records under section 435 45 and to make an order This is an extremely harsh punishment meted out to an official after a good service of 22 years An unfair order cannot be acquisced in on such technical grounds of not being appeallable to higher authorities The officials must have some reprieve when he suffers by an unjust order

18) It may however not be offensive to suggest to the Commissioner to reconsider his order in the light of what Government feels about it, though Government may not themselves reverse his orders

19) Sabd for orders - Bd para 18 above.

Rao 21/9/53

20) Please get the vernacular record which was before the Comr passing an order to prosecute the smugglers, as that record is not enclosed

21/9

Note —Contn Sheet

Appeal petition of Sri. K. Nanjappa - Collr Mangalore under orders of dismissal

File No 3930/ml. of 195 | General and Revenue Secretariat

Serial No

21) Copy Collr's Commissioner, CCB to put up for approval

Sd/ 6/10/53

22) Issued

Sd/ 6/10/53

To

The Commissioner, CCB

No L 8038 dated 16.10.53

Calls for Confirmation

23) The Report from the Commissioner CCB is not so far received

The file is Re-submitted as per orders The case is noted at length in paras 9 to 18 above

Sd/ 3/11/53

See A- 15/10/53

Sd/ 16/10/53

24) The records were not received Probably Some of them may be in the court as documents produced by the prosecution An extract from the judgment of the Magistrate is noted below for guidance

"The Com[r] in his memo marked Ex D 7, directed that as A1 and A2 had not compounded the Case, they may be Prosecuted yet, I find PW7 charge-Sheeting A1, A2 A3 and A4 Of course, the Printed form Ex P6 Sanghana

Serial No

Prosecution of A1 to A4, but in the light of the D/ it is not clear why A3 and A4 are prosecuted. There is not an iota of evidence against A3 or A4"

This will very clearly prove the mischievous intention of P.W 7 who seems to be the arch-culprit in the whole case to ruin A3 and A4 (i.e Sri Sitarama Singh & H Thimyappa) Vide judgment Flag A Page 7

25) Further observation of the Magistrate are worth noting

"P.W 7 was asked why he recommended or prosecuted A3 or A4 and he had no answer nor had he any answer to the question which asked him to state on what grounds he believed A1 and A2 to have Committed any offence" Vide Page 8

"This is a thoughtless & Vengeful prosecution of four innocent men for an offence under 132 (2) of the C of Block H' Corpn Act which they did not Commit and of which they are not guilty —" (Page 2)

26) In View of this judgment, it is very strange to see that instead of taking action against P W 7 for his mischievous attitude, in incorporating the names of 2 officials in the charge list as accused, the officials themselves have been further punished and dismissed on the ground of taking disciplinary action departmentally. This

NOTE-Contn Sheet

Appeal petition of Sri H Hunnappa - Ochar Mahsadh under orders of dismissal

File No 3530/mc 10 of 195

Mysore Government Secretariat

Serial No		

a Case is referred to the Court, the judgment of the Court is binding on both the parties - If the Corporation or the Commr were convinced there were grounds to go in appeal, they should have taken up the Case to the High Court with the permission of Govt As they have not gone in appeal, they must accept the judgment of the lower Court as binding Therefore on this ground, the dismissal is not a correct course of action /-

27) In fact departmental action Can be taken against that official Who has stated one version before the enquiry Officer and an entirely different version in the Court But the stand taken by Hunnyappa seems to be one & the same throughout Therefore, the dismissal of Hunnyappa may be set aside on the ground that the Court decided that he was innocent

(Copy Ltr.)

4/11
9/11

28) I agree Draft a letter to the Committee and say that Govt Consider that the order has to be revised

Yes
20/

9/11

SECRETARY TO GOVT. HOME DEPARTMENT 10 NOV 1953

Appeal petition of Sri S Ramappa, Ochar Rakshaka under orders of dismissal

Mysore Government
Secretariat

File No 35 30/me of 1953 54

[App F III 2

WD 03-47—CPB—40 000—14 8 53

Serial No

29) Dpf letter of the Commissioner, C.C.B. to Postcap for approval

Ca
24/11/53

30)
26/11

Secy
Dpty
25/11/53

31) for perusal before issue

Mar Dpty
4/12

32)
5/12/53

5/12

33) Issued
7/12

To

The Commissioner, C.C.B.

No 4 11918/CR 1-53 dt 15 12 53

Instructed to receive the orders and Circulars on daily Wearing Uniform absence as leave entitled to.

Copy to

1) The Controller, S A D

2) Auditor, C C B

34) Orders of the Commissioner have issued to Recruit to the Uniform Platoon on Cess appointment

35) The Official appealed to Govt

NOTE—Contn Sheet

GOVERNMENT
7234
26 NOV 1953
I S G DEPARTMENT

THE MINISTER FOR
HEALTH & LOCAL SELF
GOVERNMENT
4 DEC 1953
No 40713

SECRETARY TO GOVT
5 DEC 1953
I S G DEPARTMENT

Appeal petition of Sri. H. Veeranna, advocate Kadur under orders of dismissal

File No 1/v 3530/ml of 1953-54 | Mysore Government Secretariat

Serial No

a Rs 2/ Stamp if so therefore for orders as to whether endorsement may also issue to the party to say that orders have been issued to the Commissioner who may be approached as the matter

Rep 16/IV/53 36) An order may perhaps be issued

Sms 16/IV

7) Draft on endorsement

15/4

38) Draft Endorsement as per rep

Rep 20/IV/53 — 39) This is not a correct endorsement what orders are passed must be stated in brief

Sms 24/IV/53

28/4

40) A Revised Draft Endorsement as per Rep

Issue

31/IV/53

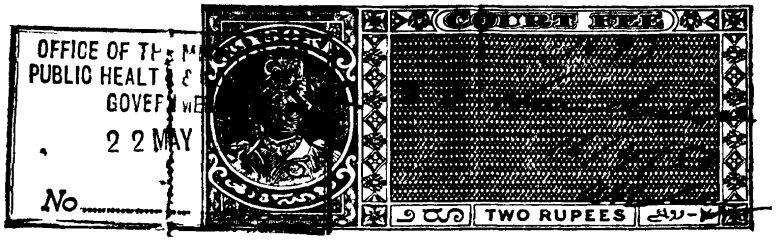
Sms 2/1/54

Endorsement No 181/53 of 9 1 54

To Sri H Veeranna

Rep. 12/1/54

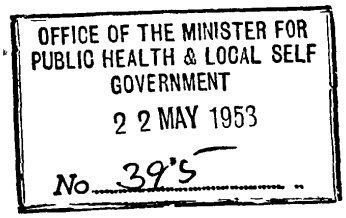
Sms 25/1



BEFORE THE GOVERNMENT OF MYSORE, BANGALORE

Petition No / 52-53

Petitioner



H Muniyappa,
Octroi Mutseddi (under
orders of Dismissal)
62, VII Cross Road,
Cubbonpet, Bangalore 2

***

UNDER SECTION 43 OF THE BANGALORE CITY CORPORATION ACT

LSG Secy
Pl. put up
references
22/5/53

The petitioner abovenamed begs to state as follows:-

1 The petitioner joined the service of the Bangalore Municipal Corporation twenty Two years ago and since then he has served the institution in various capacities of Market Bill Collector, Vaccinator, Shanbogue and laterly as Octroi Mutseddi The petitioner, having joined the service on the lowest grade, is no getting a pay of Rs 47/- only per month The petitioner has been able to secure this pay after serving the institution for 22 long years Throughout these years the petitioner's record of service has been exemplary and without any blemish even of negligence or in-advertance, let alone mis-conduct Even during the last 16 years of service as Octroi Mutseddi his work has been most

satisfactory The service register of the petitioner bears clear testimony of these facts Because of the strict, loyal and honest work of the petitioner the petitioner's progress was sought to be ~~restricted by many~~ culpalled by many servants of the Corporation

A false case of abetti
Octroiable goods into Bangalore City was launched against the petitioner in the court of the Second City Magistrate, Bangalorein Criminal Case 2778 of 51-52 Before launchi-g the criminal case a sham and fraudulent departmental enquiry was said to be held in the absence of the petitioner and without notice to him Some statements were fabricated during the said Departmental enquiry

The Criminal case was disposed of after protracted trial and the court held that the petitioner is completely innocent. The case was not disposed of on technical plint but entirely on evidence and in the end the court has come to the correct decision that it is a thoughtless and vengiful prosecution of 4 innocent men for an offence under Section 82(2) of the City Corporation Act 1949 which they did not commit and which they are not guilty" The Magistrate has also further held observed "I mast express strong disapproval of this prosecution and I direct that a copy of t is judgment be forwarded to the Commissioner for such action as he may deem necessary to take in the light of my observation

of [redacted] charged that the prosecution of the petitioner was thoughtless and wrongful nature. The petitioner was under suspension from 27-10-5 and he was acquitted on 14-2-1952

Soon after his acquittal, the petitioner represented to the Corporation Authorities that, in view of his honourable acquittal by the Court, he may be re-instated in his formeroffice in the interests of justice

The Commissioner of the Cit Corporation has instead of reinstating him, ordered that the petitioner should be dismissed from service Against that order the petitioner preferred an appeal to the standing Committee of the Corporation But the appeal was dismissed on the technical ground that the appeal is not maintainable

Hence the petitioner humbly submits this memorandum to the Government being confident that justice will be done to this poor petitioner who is denied even the remedy of appeal

The petitioner humbly submits that the Government be pleased to consider the petitioner's unbroken record of loyal and sincere service of 22 years, his honourable acquittal by the Court exonorating the petitioner from all guilt and order that he may be reinstated in his former office

The petitioner is under suspension since 27-10-1951 up to this day for a period of four one year and four months. He has undergone grea

mental and financial sufferings in his oldage with a big family after 22 years of service He has been exhonorated from any guilt whatever and even the court was pleased to send suo-motto a copy of the judgment of the case to the Commissioner of the Corporation with a view to bring to the notice of the Corporation authorities the thoughtless and vengful prosecution of the innocent petitioner The petitioner is entitled to be reinstatedin office as per para 241 read with para 234 of the Manual of General Circulars and Standing Orders

The petitioner further prays that the Government be pleased to consider the petition dated 31-10-51 10-3-1952, 14-5-1952, 7-7-52, 27-8-52 and 24-12-52 presented by the petitioner to the Corporation Authorities

Great and irreparable injustice has been caused to the petitioner by a thoughtless and vengful prosecution framed up against the petitioner by the ~~petitxx~~ scrupolous persons to achieve their selfish ends The petitioner humbly prays that the Government be pleased to order re-instatement of the petitioner in the interests of justice

Bangalore,
-4-1953

PETITIONER

5

No. L 3280 dt 13-6-53

To

The Commissioner, CCB
Chennai the Mayor

Sir,

I am directed to forward herewith a copy of petition dated 4-6-53 received from one Sri M. Ramappa Chetti requesting orders of disposal pending for his re-conveyance and to request that a report thereon may be furnished to this office at the earliest

Yours faithfully
for Secy. to G.

8/6/53

please type copy
8/6/53

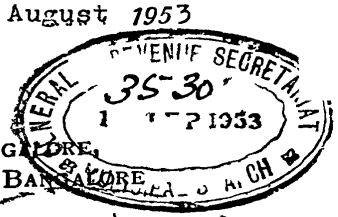
11/6/53

CORPORATION OF THE CITY OF BANGALORE

No B 12-3462/53
Enc our file
CH 1-53-76

CORPORATION OFFICES,
BANGALORE

Dated 27th August 1953

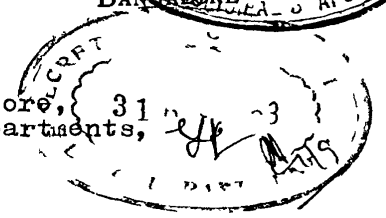


FROM

K HENJERAPPA, ESQ, B A, B L,
COMMISSIONER,
CORPORATION OF THE CITY OF BANGALORE,
BANGALORE

To

The Secretary to Government of Mysore,
L S G and Planning Departments,
Bangalore



~MAS

SIR,

Subject REPRESENTATION OF SRI H MUNIYAPPA, ~~DISMISSED~~ OCTROI MUTSADDI, FOR RE-INSTATEMENT

With reference to your letter No L 3280 dated 13-6-53 forwarding the petition of Sri H Muniyappa, Octroi Mutsaddi, a dismissed person praying for reinstatement to service and calling a report in the matter, I write to state as follows

A report was received by the then Commissioner on 1-11-51 from the Octroi Superintendent that on 26-10-1951 at about 6-10 p m the Octroi Detective Sri Seetharam Singh engaged one taxi MY 6409 Z and awaited near Yeswantapur Railway Station, after picking up Sri H Muniyappa, Mutsaddi, who was on the way The goods arrived from Doddaballapur train and the silk merchants Messrs Venkataramaiah and Naganna alighted at Yeswantapur Railway Station The two merchants and the detective Seetnaramsingh and the Mutsaddi H Muniyappa got into the taxi MY 6409 Z The detective Seetharamsingh instructed the Taxi Driver to drop them (Seetharamsingh & Muniyappa) near the Mysore Bank and the merchants at Chickpet

The Taxi Driver grew suspicious on this and brought the Taxi to the City Railway Station The Mutsaddi, who was at the Railway Station by name Sri Guruputra has written a Transit pass for the goods at the instigation of Sri H Muniyappa and Seetharam-singh The goods were brought to the octroi office and statements were recorded on the same night from all the parties Sri Guruputra, Mutsaddi, at the City Railway Station,

has stated in his statement that what he did is a mistake and also stated that the said articles were not received by the train and accepted his fault

Hence it is clear that the merchants have tried to smuggle the silk goods into the city with the help of Sri H Muniyappa and Seetharam Singh The goods were assessed at the market value for Rs.7,088-4-0 and the case was compounded by the Commissioner and the party was asked to make payment of duty and penalty of Rs 118-9-0 and Rs 1,185-10-0 Since the party did not pay, a case was launched against them in City Magistrate's Court

Sri Guruputra and Sri Daniel who were at duty at City Railway Station, have deposed before the Magistrate stating that the articles were received by train and wrote a transit pass after examining the articles Both Sri Guruputra and Sri Daniel knew full well that the articles were not received by train and were brought in a taxi, as Sri Guruputra admitted his fault in the written statement for having written a transit pass at the instigation of Sri H Muniyappa and Sri Seetharamsingh But they have given a different version before the Magistrate, that the articles were received by train, which is a deliberate lie, which shows that both the officials have colluded with the accused and have spoiled the case This was evidently due to the payment of some illegal gratification by the party as otherwise there was no necessity for them to state onething before the office and another thing before the court

The court acquitted the accused holding that there was no evidence to show that accused wanted to defraud the Corporation in view of the statement given by Sri Guruputra and Sri Daniel and in view of the fact that the accused have been paying regularly huge sums as octroi and lead to believe that they may not have committed any offence

The previous Commissioner has observed that the conduct of these two officials has been utterly mean and disloyal Therefore Sri Seetharamsingh and Sri H Muniyappa were dismissed from service from 24th April 1952 and Sri Guruputra and Sri Daniel were suspended for 6 months

Though the case against the accused in court failed, yet the departmental enquiry clearly shows that all the above officials have colluded with the parties in getting dutiable articles smuggled into the Corporation area without payment of octroi duty Thereby, they have caused wrongful loss to Corporation and wrongful gain to themselves and worked against the interests of the Corporation and their action calls for drastic measure or departmental action so that it might act as a deterrant to other miscreants Messrs Muniyappa and Seetharamaiah were dismissed from service by the Commissioner under powers vested under section 95 of the Corporation Act There is no appeal against the orders of the Commissioner in this case, and his orders are final as their salary is below Rs.50/- p m they are not reliable and are untrustworthy In these circumstances, I am of opinion, that there is no justification in reinstating Sri H Muniyappa in service

The entire file of records accompany for reference and return

Forwarded with compliments

(P Hanumanthiah,)
MAYOR

Yours faithfully,

(K Henjerappa,) 27/8
COMMISSIONER

27/8

INL
27/8/53

G R S App F G 3

GENERAL AND REVENUL SECRETARIAT

(~~Continuation sheet draft form~~)

No. L 8038
D 14 10 53

To

The Commissioner, C.C. & R. pa
(through the Mayor)

/3

Subject: Representation of Sri. S. Veerappa, domiciled at Vellasaddi, for Re-enlistment

Sir,

With Reference to your Letter No. B 12-3 L&G/53 dated 27.8.53 on the Subject, I am directed to Request you to Send the Vernacular Records Leading to your passing an order to prosecute the Smugglers as their papers are not found in the Records

WD 01417—GPB—25 000—3 11 52

now sent by you

yours very truly

Sec 6/x

Sec

6/10/53

L 11918/15-12-53

"Draft"

CM 1-53-77

To

The Commissioner,
C C B
(thro' the Mayor)

Sir,

Subject - Representation of Sri H,Muniap dismissed Octroi Mutsaddi, for reinstatement

---

With reference to your letter No B 12-34625 dated the 27th Aug 1953, I am directed to state that for the alleged offence of conspiring the smuggling of octroiable silk goods into the City, the Octroi Mutsaddi, Sri H Muniappa was prosecuted and a case was launched in the Second City Magistrate's Court, Bangalore The Magistrate has observed in his Judgement as follows -

"The Commissioner in his memo, marked Ex D7, directed that as A1 and A2 had not compounded the case, they may be prosecuted Yet I find P W 7 charge-sheeting A1,A2,A3 and A4 Of course the printed form Ex P6 sanctions prosecution of A1 to A4 but in the light of Ex D7, it is not clear that A3 and A4 are prosecuted There is not an iota of evidence against A3 or A4 ' This will clearly prove the mischievous intention of P W 7 who seems to be mainly responsible in this case to [illegible] A3 and A4, i e , Sri Seetharam Singh and Muniappa

Further observations of the Magisrate are as follows -

"P W 7 was asked why he recommended or prosecuted A3 or A4 and he had no answer n had he any answer to the question which as him to state on what grounds he believed

and A2 to have committed any offence ------ ---------- This is a thoughtless and vengful prosecution of 4 innocent men for an offence under section 132(2) of the City of Bangalore Municipal Corporation Act, which they did not commit and of which they are not guilty "

In view of this judgment it is very strange to see that instead of taking action against P W 7 for his mischievous attitude in including the names of two officials in the charge list as accused without the orders of the Commissioner, the officials themselves have been further punished and dismissed on the ground of taking disciplinary action against them departmentally

When a case is referred to the Court, the judgment of the Court is binding on both the parties., i e , the prosecutor and the prosecuted If the Corporation or the Commissioner were convinced that there were ground to go in appeal, they should have appealed to the higher Court with the sanction of Government, if necessary, but as they have not gone in appeal, the Corporation will have to accept the judgment of the lower Court as binding Therefore the dismissal of an official who has been declared as innocent is not a correct course of action Departmentaly action could be taken against that official who has stated one version before the enquiring officer, and an entirely different version in the Court But the stand taken by Muniappa seems to be consistent

Therefore the order dismissing Muniappa may kindly be revised on the ground that the

the Court decided that he was innocent He may be taken on duty ~~immediately~~ and the period during which he was kept out of office may be treated as ~~or~~ such leave as he has at his credit

Records are returned herewith

Yours faithfully,

L S G & P Secretary

Memo No L 11919-20 /15-12-57

Copy of the above is forwarded to

(1) The Controller, S A D ,
(2) " Auditor, Corporation of the City of Bangalore

L S.G &P Secretary

M G S App F G 3

MYSORE GOVERNMENT
SECRETARIAT

(Continuation sheet draft form)

3 Copies

No L 13175/9-1-54

Endorsement granted to Sri B Veeriappa, No 62, VII Cross Road, Ciebbompet Bangalore 2

In the Reference to the petition dated 4/1/53 against to Govt appealing the orders of the Commr, C.C.B dismissing him from Police Service, Sri B. Veeriappa is informed that the Commr has for a Review of the orders and letting him know on duly Govt the period of absence

matter has been Referred to the

WD 03546—GPB—10 000 —14 8 53

15

Lease to check he is certified to

Asst. Sec. [illegible] Seal

for 6/31/54

Lease dtd. 12/31/54

Copy to the Comptroller, CCB

for information.

[illegible] Seal

for 6/31/54

KKG 5/1/54

GOVERNMENT OF MYSORE

Mysore Government
~~x General and Revenue~~ Secretariat,
Municipal Branch,
Dated, Bangalore, 14 January 1954.

No L. 13125

ENDORSEMENT

Granted to Sri H. Muniappa,
No.62, VII Cross Road,
Cubbonpet, Bangalore 2.

With reference to his petition dated 4-1-1953 to Government appealing against the orders of the Commissioner, Corporation of the City of Bangalore, dismissing him from service, Sri H.Muniappa is informed that the matter has been referred to the Commissioner for a revision of the orders and taking him back on duty, treating the period of absence as leave to which he is entitled to.

(Sd.) (V. Hanumanthappa)
for Secretary to Government,
L.S G & Planning Departments.

Memo No L 13126/9-1 53

Copy of the above is forwarded to the Commissioner Corporation of the City of Bangalore, (through the Mayor) for information

(V Hanumanthappa)
for Secretary to Government,
L.S G & Planning Departments

LNS.3.5/1.